

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

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In re:

PROMESA
Title III

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

No. 17 BK 3283-LTS

THE COMMONWEALTH OF PUERTO RICO,
et al.,

(Jointly Administered)

Debtors.¹

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ORDER SETTING BRIEFING SCHEDULE FOR DUFF & PHELPS'S MOTION FOR SUMMARY JUDGMENT

The Court has received and reviewed the *Fee Examiner's Informative Motion Regarding Inconsistent Filing and Deficient Notice of Duff & Phelps, LLC's Motion for Partial Summary Judgment* (Docket Entry No. 9328 in Case No. 17-3283,² the "Motion"), filed by the Fee Examiner, and the *Response to Fee Examiner's Defective Informative Motion Regarding Duff & Phelps, LLC Motion for Partial Summary Judgment Under Fed. R. Bankr. P. 7056(a)* (Docket Entry No. 9340, the "Response"), filed by Duff & Phelps, LLC ("Duff & Phelps"). In

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² All docket entry references are to entries in Case No. 17-3283, unless otherwise indicated.

the Motion and the Response, the Fee Examiner and Duff & Phelps address the *Motion and Memorandum of Law in Support of Duff & Phelps, LLC Motion for Summary Judgment Under Fed. R. Bankr. P. 7056* (Docket Entry No. 9188, the “Summary Judgment Motion”) and *Notice of Hearing on Motion and Memorandum of Law in Support of Duff & Phelps, LLC Motion for Summary Judgment Under Fed. R. Bankr. 7056(a) and Statement of Material Facts in Support of Motion for Partial Summary Judgment Under Fed. R. Bankr. P. 7056(a)* (Docket Entry No. 9191, the “Notice”), filed by Duff & Phelps.

Federal Rule of Bankruptcy Procedure 7056³ provides, in its entirety, as follows:

Rule 56 F.R. Civ. P. applies in adversary proceedings, except that any motion for summary judgment must be made at least 30 days before the initial date set for an evidentiary hearing on any issue for which summary judgment is sought, unless a different time is set by local rule or the court orders otherwise.

Here, the “initial date set for an evidentiary hearing on any issue for which summary judgment is sought” is the Omnibus Hearing scheduled for January 29, 2020. (See Order Regarding Joint Status Report by Fee Examiner and Duff & Phelps LLC in Response to Order Dated October 25, 2019, Docket Entry No. 9170.) The Motion for Summary Judgment was filed on November 15, 2019, which is more than 30 days prior to January 29, 2020, and is therefore compliant with the timing requirements set forth in Rule 7056.

The Court hereby adjourns the Fee Examiner’s deadline to respond to the Summary Judgment Motion to **December 3, 2019 at 5:00 p.m. (Atlantic Standard Time)**. The deadline for Duff & Phelps to file a reply in support of its Summary Judgment Motion is **December 10, 2019 at 5:00 p.m. (Atlantic Standard Time)**. The Court will thereafter take the Summary Judgment Motion on submission.

³ Federal Rule of Bankruptcy Procedure 7056 applies in contested matters pursuant to Federal Rule of Bankruptcy Procedure 9014(c).

The schedule set forth in this Court's *Order Regarding Joint Status Report by Fee Examiner and Duff & Phelps LLC in Response to Order Dated October 25, 2019* (Docket Entry No. 9170) remains unchanged.

SO ORDERED.

Dated: November 26, 2019

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge